

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GAVIN SMITH and HAYLEY SMITH,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Case No. 6:21-cv-496-JDK-JDL
	§	
FOREST RIVER, INC.,	§	
	§	
Defendant.	§	
	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiffs Gavin Smith and Hayley Smith filed this civil action alleging breach of contract and breach of warranty in December 2021. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On February 16, 2023, Judge Love issued a Report recommending that the Court dismiss this case without prejudice for failure to comply with a Court order and failure to prosecute. Docket No. 27. A copy of this Report was sent to Plaintiffs, and the docket indicates that both Plaintiffs received it. Docket Nos. 28. 29. However, no objections have been received.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 27) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for failure to comply with an order of the Court and failure to prosecute.

So **ORDERED** and **SIGNED** this **23rd** day of **March, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE